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7 **SUPERIOR COURT OF THE STATE OF WASHINGTON**
8 **FOR PIERCE COUNTY**

9 K.H.,

NO.

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11 Plaintiffs,

COMPLAINT FOR DAMAGES

12 v.

13 STATE OF WASHINGTON DEPARTMENT
14 OF SOCIAL AND HEALTH SERVICES,

15 Defendant.

16 Plaintiff K.H., by and through her attorneys, Michael T. Pfau and Vincent T. Nappo of
17 Pfau Cochran Vertetis Amala PLLC, hereby states and alleges as follows:

18 **I. INTRODUCTION**

19 1.1. This case arises from sexual abuse, physical abuse, and neglect K.H. suffered
20 as a child because the State of Washington Department of Social and Health Services
21 (“DSHS”) failed to properly investigate reports of abuse that were made on K.H.’s behalf.
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II. PARTIES

2.1 Plaintiff K.H. is a woman who currently resides in Pierce County, Washington. She was sexually abused as a result of the negligent and reckless conduct of the defendant. Given the nature of these allegations, this complaint identifies K.H. by her initials, only.

2.2 DSHS is a government entity that exists pursuant to and under the laws of the State of Washington. DSHS is an agency of the State of Washington and is responsible for protecting children from possible sexual abuse, physical abuse, and neglect.

III. JURISDICTION AND VENUE

3.1 The Court has jurisdiction over this claim against DSHS pursuant to RCW 2.08.40 and Washington common law.

3.2 Venue is proper in this Court under RCW 4.92.010.

3.3 More than sixty days ago, Plaintiff K.H. presented a Standard Tort Claim Form with the Office of Risk Management.

3.4 The Court has jurisdiction over this matter pursuant to RCW 4.96.020.

IV. STATEMENT OF FACTS

4.1 This case involves the negligent and reckless failure of DSHS to protect the safety and well-being of K.H.

4.2 In approximately January 1991, DSHS received a report from K.H.'s teacher that fourteen-year-old K.H. was impregnated by a man who is "quite a bit older" and that K.H. was living with this man. The man identified in the report was later revealed to be thirty-five-year-old Karl Watson, a known drug dealer (street name "June"). In June 1991, K.H. gave birth to Mr. Watson's child.

1 4.3 Despite the alarming nature of the foregoing report, the defendant failed to
2 adequately investigate possible sexual abuse. Indeed, the defendant never met face to face or
3 otherwise contacted K.H. to check on her wellbeing. As a result of the defendant's
4 negligence, Mr. Watson continued to abuse K.H. for years.

5 4.4 Upon information and belief, the defendant received several additional reports
6 concerning abuse and neglect of K.H., and failed to adequately investigate or otherwise take
7 steps to reasonably protect her from harm.
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9 **V. CAUSES OF ACTION**

10 **A. Negligence**

11 5.1 Plaintiff K.H. re-alleges the paragraphs set forth above and below.

12 5.2 DSHS had a duty to exercise reasonable care in its investigation and response
13 to reports of possible abuse or neglect of a child, including the reports it received regarding
14 possible sexual abuse and neglect of K.H.
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16 5.3 DSHS breached the above duty by failing to exercise reasonable care in its
17 investigation and response to reports that K.H. was sexually abused by Karl Watson,
18 including reports that she was pregnant with his child and that he is a drug dealer. The
19 defendant knew, or should have known, that Karl Watson was abusing K.H. and would
20 continue to abuse her, and did virtually nothing to protect her from that danger or protect her
21 from that abusive environment.
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23 5.4 As a direct and proximate result of the foregoing misconduct and negligence,
24 K.H. has suffered, and continues to suffer, general and special damages. These damages
25 include, but are not limited to, emotional distress, humiliation, mental anguish, physical and
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1 mental pain and suffering, a decrease in their ability to enjoy life, past and future medical
2 expenses, attorneys' fees and costs, and other general and special damages, all in an amount
3 to be determined at trial.

4 **VI. PRAYER FOR RELIEF**

5 Plaintiff K.H. prays for judgment against the defendant for general and special
6 damages in an amount to be proven at the time of trial, for their reasonable attorneys' fees and
7 costs, for statutory interest, prejudgment interest, punitive damages, and for such other and
8 further relief as the Court deems just and equitable.

9
10 Plaintiff K.H. specifically reserves the right to pursue additional causes of action,
11 other than those specifically outlined above, that are supported by the facts pleaded herein or
12 that may be supported by other facts that emerge during discovery.

13 DATED this 8th day of December, 2017.

14 PFAU COCHRAN VERTETIS AMALA, PLLC

15
16 By:



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